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TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number	10/734,041
Filing Date	December 11, 2003
First Named Inventor	Lukas Eisermann et al.
Art Unit	3733
Examiner Name	David C. Comstock
Attorney Docket Number	MSDI-222/PC765.00

ENCLOSURES (Check all that apply)

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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Brad A. Schepers		
Date	August 7, 2007	Reg. No.	45,431

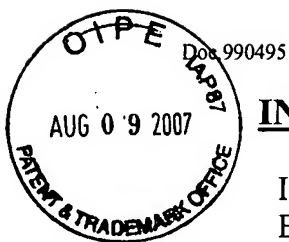
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


In re patent application of:)	Before the Examiner
Eisermann et al.)	David C. Comstock
)	
Application Serial No. 10/734,041)	Group Art Unit 3733
)	
Filed December 11, 2003)	Ref. No. MSDI-222/
)	PC765.00
)	
EXPANDABLE INTERVERTEBRAL)	August 7, 2007
IMPLANT)	

RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated May 16, 2007, please consider the following amendments and remarks. Please charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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INTRODUCTORY COMMENTS

Claims 1-60 were pending in the subject application for the non-final Office Action dated May 16, 2007. Claims 1-60 have been rejected on various grounds. In view of the following amendments and remarks, reconsideration and allowance of the subject application including claims 1-60 are hereby requested.